

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Eric Redmond,)	
)	
Plaintiff,)	C.A. No. 8:10-1312-HMH-BHH
)	
vs.)	OPINION & ORDER
)	
Lexington County, and)	
Trinity Food Service,)	
)	
Defendants.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Bruce Howe Hendricks, made in accordance with 28 U.S.C. § 636(b)(1) (2006) and Local Civil Rule 73.02 of the District of South Carolina. Eric Redmond (“Redmond”), a state detainee proceeding pro se, brought an action under 42 U.S.C. § 1983 alleging various violations to his civil rights. In her Report and Recommendation, Magistrate Judge Hendricks recommends dismissing the complaint without prejudice and without issuance and service of process because “the Complaint does not establish ‘that the alleged injury suffered is particularized as to him’” and “that Lexington County, as a matter of policy or custom, caused the alleged constitutional violation.” (Report and Recommendation, generally.)

Redmond filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the

magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that many of Redmond's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. However, Redmond specifically objects to the magistrate judge's finding that Redmond has not shown any particularized injury. Redmond states that he suffered diarrhea and vomiting as a result of the alleged food poisoning. (Objections, generally.) Redmond has sufficiently alleged that he suffered an injury. Therefore, the court declines to dismiss this case for lack of standing on that basis. Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992) (noting that to have standing, the plaintiff must have suffered a "particularized" injury). Based on the foregoing, the court adopts Magistrate Judge Hendricks' Report and Recommendation to the extent it is consistent with this opinion.

Therefore, it is

ORDERED that Lexington County is dismissed. It is further

ORDERED that this case is remanded to the magistrate judge for further consideration.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
June 30, 2010